

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EAST RIVER REALTY COMPANY LLC,

Plaintiff,

Docket No. 1:06-CV-05417 (WHP)

-against-

TRC COMPANIES, INC.,
TRC ENGINEERS, INC.,
TRC ENVIRONMENTAL CORPORATION,

Defendants.

**DEFENDANTS' NOTICE OF MOTION
TO DISMISS COMPLAINT UNDER FED. R. CIV. P. 12(B)(1), (6), (7) AND 19(B)**

PLEASE TAKE NOTICE that, pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(6), 12(b)(7) and 19, Defendants TRC Companies, Inc., TRC Engineers, Inc. and TRC Environmental Corporation, (collectively “TRC”) shall move this court, before the Honorable William H. Pauley III, at the United States Court House, 500 Pearl Street, New York, New York, on September 22, 2006 at 11 a.m., for an order dismissing the Complaint of Plaintiff East River Realty Company LLC (“ERRC”) for lack of subject matter jurisdiction, failure to join indispensable parties, and failure to state a claim upon which relief can be granted. The bases for this motion are set forth in the accompanying Memorandum of Law and the Declarations of Nickitas F. Panayotou and Michelle Migdon in Support of TRC’s Motion to Dismiss.

Dated: New York, New York
August 25, 2006

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